

ZEBBIE CARTER §
v. § CIVIL ACTION NO. 6:15cv478
DIRECTOR, TDCJ-CID §

The Petitioner Zebbie Carter, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his continued confinement. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

In his petition, Carter complains of the denial of release on mandatory supervision. He complained that the parole panel used an incorrect review procedure and relied on insufficient evidence in deciding not to release him, thus rendering his good time credits worthless. Carter asserts that he has been denied release on mandatory supervision four times, based on what he terms “the exact same stenciled boilerplate recital reasons” to deny his release.

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Carter release on mandatory supervision based on findings that his accrued good conduct time was not an accurate reflection of his potential for rehabilitation. The Respondent argued that Carter was provided with due process and that he is simply dissatisfied with the result. Carter did not file a response to the answer.

After review of the pleadings, the magistrate judge issued a report recommending that the petition for habeas corpus relief be denied. The magistrate judge observed that the Parole Board is not required to specify the particular evidence relied upon in reaching the discretionary determination that he is not ready for conditional release and that Carter received all the notification to which he was entitled. The magistrate judge also determined that Carter's claim of deprivation of property in the form of his good conduct time credits lacked merit because these time credits were not taken from him without due process, but instead served their intended purpose of making him eligible for consideration for discretionary mandatory supervision release.

Carter did not file objections to the magistrate judge's report; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the report of the magistrate judge. Upon such review, the Court has determined that the report of the magistrate judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a magistrate judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly


ORDERED that the report of the magistrate judge (docket no. 13) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus is **DISMISSED WITH PREJUDICE**. It is further

ORDERED that the Petitioner Zebbie Carter is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

SIGNED this 8th day of June, 2016.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE